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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/711,757	10/04/2004	YOUNGBO YOON	P04-289-YOO	5756	
27107 RICHARD A.	7590 11/03/2008 IOFL ESO		EXAM	EXAMINER	
496 KINDERI	KAMACK ROAD		DOAN, ROBYN KIEU		
ORADELL, N	J 07649		ART UNIT	PAPER NUMBER	
		3732			
			NOTIFICATION DATE	DELIVERY MODE	
			11/03/2008	ELECTRONIC	

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nrispoli@joelandjoel.com

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/711,757	YOON, YOUNGBO		
Examiner	Art Unit		
Robyn Doan	3732		

The MALING DATE of this communication appears on the cover sheel with the correspondence address − THE REPLY FILED 09 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other exists. (1) one of the following replies: (1) an amendment, affidavit, or other exists. (1) one of the following replies: (1) an amendment, affidavit, or other exists. (1) one of the following time of the following time. Examiner Note: the following time of the following time. (2) of the following time of the following time. (2) of the following time of the following time. (3) of the following time of the following time. (3) of the following time. (4) of the following time. (4) of the following time. (5) of the following time. (6) of the follow		Robyn Doan	3732					
<ul> <li>1 ∑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</li></ul>	The MAILING DATE of this communication appe	ars on the cover sheet with the o	orrespondence add	ress				
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.13.17; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.1314. The reply must be filed within one of the following time periods:  a)	THE REPLY FILED 09 October 2008 FAILS TO PLACE THIS A	APPLICATION IN CONDITION FOR	R ALLOWANCE.					
b)	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request				
no event, however, will the statulory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check libre tox (a) r (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW.  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purpose of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) calculated from: (1) the experience of the final rejection, even if timely filed, any reduce any earned patent time adjustment. See 37 CFR 1.73(a) for any extension thereof (37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing a brief, will not be entered because (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b)	a) The period for reply expires months from the mailing	date of the final rejection.						
MONTHS OF THE FINAL RELECTION. See MPEP 706.07(n).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the experization date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.74(a) (7).  NOTICE OF APPEAL  2.	no event, however, will the statutory period for reply expire to	ater than SIX MONTHS from the mailing	date of the final rejection	n.				
have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee upon day of 27 CR 1.17(a) is activated from: (1) the expristion date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent time adjustment. See 37 CRF 1.74(b).  NOTICE OF APPEAL  2.	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(	n.						
2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.13 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  MMENDMENTS  3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They raise the issue of new matter (see NOTE below);  (c) ☐ They raise the issue of new matter (see NOTE below);  (d) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  (d) ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  (d) ☐ Applicant's reply has overcome the following rejection(s): ☐ Newly proposed or amended claim(s): 1_3.4 and 7 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  (a) ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: ☐ Claim(s) is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) rejected: ☐ Claim(s) is provided below or appended.  The affidavit or other evidence seed as showing of good and sufficient reasons why the affidavit or other evidence is lended after a final action, but before or on the date of filing a Notice of Appea	have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amount of shortened statutory period for reply origing than three months after the mailing date	of the fee. The appropria nally set in the final Office	ate extension fee e action; or (2) as				
Filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filled, any reply must be filed within the time period set forth in 37 CFR 41.37(a).   MMENDMENTS		" "th 07 OFD 44 07 th	Florida (1865) and a company					
3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They raise the issue of new matter (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's relply has overcome the following rejection(s): ☐ (S) ☐ Newly proposed or amended claim(s) 1.3.4 and 7 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. ☐ For purposes of appeal, the proposed amendment(s); a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: ☐ Claim(s) allowed: ☐ Claim(s) withdrawn from consideration: ☐ See 37 CFR 1.116(e).  9. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered	filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed w	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the					
(a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  1 The amendments are not in compliance with 37 CFR 1.112. See attached Notice of Non-Compliant Amendment (PTOL-324).  2 Applicant's reply has overcome the following rejection(s):  3 Newly proposed or amended claim(s) 1,3.4 and 7 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  3 For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) allowed:  Claim(s) rejected:  Claim(s) rejected:  Claim(s) rejected:  Claim(s) rejected:  Claim(s) rejected:  See 37 CFR 1.116(e).  1 The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  3 The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  1 The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence is entered. An explanation of the status of the claims after entry is								
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<ul> <li>8. Newly proposed or amended claim(s) 1.3.4 and 7 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>7. For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:         Claim(s) allowed:         Claim(s) allowed:         Claim(s) allowed:         Claim(s) allowed:         Claim(s) rejected:         Claim(s) rejected:         Claim(s) withdrawn from consideration:         AFFIDAVIT OR OTHER EVIDENCE</li> <li>8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 4.1.116(e).</li> <li>9. ☐ The affidavit or other evidence failed after the date of filing a Notice of Appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10. ☐ The affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:         12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)</li></ul>			mpliant Amendment (I	PTOL-324).				
the non-allowable claim(s).  The proproses of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) objected to: Cl								
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Claim(s) objected to: Claim(s) rejected: Claim(s) r								
Claim(s) withdrawn from consideration:	Claim(s) objected to:							
AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence fieled to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 4.133(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)								
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entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41-33(3(1)*).  10.	The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good and							
REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  13. Other:  /Robyn Doan/	entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appear and was not earlier presented. Se	and/or appellant fail ee 37 CFR 41.33(d)(1	s to provide a ).				
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13. ☐ Other: /Robyn Doan/		t does NOT place the application in	condition for allowan	ce because:				
		PTO/SB/08) Paper No(s)						
	/Robyn Doan/							

Continuation of 3. NOTE: Amended claim 5 is required further consideration.